

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

SHERMAN LAMONT FIELDS	§	
VS.	§	CIVIL ACTION NO. 1:25-cv-73
JOHN GILLEY	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Sherman Lamont Fields, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed the above-styled lawsuit pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), against John Gilley. Plaintiff complains of events which occurred at the United States Penitentiary at Hazelton, West Virginia (“USP-Hazelton”). USP-Hazelton is located in Preston County, West Virginia.

Venue in a lawsuit filed pursuant to *Bivens* is governed by 28 U.S.C. § 1391(b). *See Stafford v. Briggs*, 444 U.S. 527, 542-45 (1980). Section 1391(b) provides that venue is proper only in the federal judicial district where any defendant resides, if all the defendants reside in the same state, or where a substantial part of the events or omissions giving rise to the claim occurred. If a lawsuit is asserted in a judicial district in which venue is not proper, that court shall dismiss, or if it be in the interest of justice, transfer the lawsuit to any district where it could have been brought. 28 U.S.C. § 1406(a).

The claims asserted in this lawsuit arose Preston County, West Virginia. Pursuant to 28 U.S.C. § 129(a), Preston County is located in the Northern District of West Virginia. The events of which plaintiff complains occurred in the Northern District of West Virginia, where Defendant appears to reside. As a result, venue with respect to this lawsuit is not proper in this court. This case will therefore be transferred to the United States District Court for the Northern District of West Virginia.

ORDER

For the reasons set forth above, it is **ORDERED** that this matter is **TRANSFERRED** to the United States District Court for the Northern District of West Virginia.

SIGNED this the 3rd day of March, 2025.

A handwritten signature in black ink, appearing to read 'C. L. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE